



## PLANNING COMMITTEE REPORT

Development Management Service  
 Planning and Development Division  
 Environment and Regeneration Department  
 PO Box 333  
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 LONDON N1 1YA

<b>PLANNING COMMITTEE</b>		
<b>Date:</b>	13 <sup>th</sup> December 2016	<b>NON-EXEMPT</b>

Application number	P2016/3347/FUL
Application type	Full Planning Application
Ward	Highbury West
Listed building	None on site
Conservation area	St Mary Magdalene Conservation Area
Development Plan Context	<ul style="list-style-type: none"> <li>- Core Strategy Key Area – Highbury Corner &amp; Holloway Road</li> <li>- St Mary Magdalene Conservation Area</li> <li>- Archaeological Priority Area (Ring Cross Hamlet)</li> <li>- Local, Major and Strategic Cycle Routes</li> <li>- Site Allocations HC4 (11-13 Benwell Road)</li> <li>- Site within 100m of TLRN Road</li> <li>- Lower Holloway Local Shopping Area</li> </ul>
Licensing Implications	In the event of the ground floor use being taken up by an A3 use, a licence may need to be applied for.
Site Address	15-21 & 11-13 Benwell Road, London, N7 7BL
Proposal	Change of use of the existing buildings from 1,795sqm of warehouse (B8) floorspace to B1 (office) use and to A1/A3 use on the Holloway Road frontage. The application also involves a refurbishment of the existing buildings, including alterations and extensions resulting in 1,845sqm of office and 50sqm of A1/A3 floorspace.

Case Officer	Stefan Sanctuary
Applicant	Jamie Oliver Media Group
Agent	Carver Haggard Architects

### 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission:

1. subject to the conditions set out in Appendix 1;
2. conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1;

**2. SITE PLAN (site outlined in black)**



**3. PHOTOS OF SITE/STREET**



*Birds-eye view of site*



*Holloway Road frontage*



*Existing Holloway Road shopfront*



*Benwell Road frontage*



*Looking south along Benwell Road*



*Service Yard looking west*



*Service yard looking east*

## **4. SUMMARY**

- 4.1 The application site is located between Benwell Road and Holloway Road, near the junction with Drayton Park, and has a street frontage to both sides. The main part of the site consists largely of post-war warehouse buildings, which have been in use until recently as a warehouse. The surrounding area is characterised by a varied mix of residential and commercial buildings, generally ranging between two and four stories in height. The site is located within St Mary Magdalene Conservation Area, which is largely characterised by Georgian and Victorian residential properties and the 19<sup>th</sup> century church of St Mary Magdalene.
- 4.2 The planning application proposes a change of use of the existing buildings on the site from B8 warehouse, B1 use and A1 retail use to B1 (office) use and to A1/A3 use on the Holloway Road frontage. The application also involves a refurbishment of the existing buildings, including alterations and extensions to provide 1,845sqm of office and 50sqm of A1 / A3 to be used as a food outlet. The alterations to the existing buildings include new fenestration and main entrances as well as a new plant enclosure, a new roof terrace and rearrangement of the existing courtyard space to provide cycle storage, refuse storage an accessible parking bay and shower facilities.
- 4.3 In terms of land use, the proposal is considered to be acceptable as it would deliver high quality office floorspace that would increase and improve the existing business floorspace on site. Furthermore, the proposal would increase the amount of retail floorspace within a designated Local Shopping Area. The proposal is considered to be of a high quality and would improve the aesthetic of the existing façades. The internal refurbishment would convert the vacant warehouse which forms the largest part of the site to useable, functional and high quality office floorspace that would meet inclusive design principles.
- 4.4 It is not considered that the proposal would result in an unacceptable impact on residential amenity in terms of loss of daylight, sunlight, privacy, air quality or an increase in noise, disturbance or sense of enclosure. Neither would the proposal have a detrimental impact on the surrounding highway network.
- 4.5 Finally, the application intensifies the use of the site yet provides a more sustainable building through the use of energy efficiency measures, clean and renewable energy and sustainable design methods. The application is considered to be acceptable in planning terms and would accord with local and national planning policy and guidance as outlined within this report.

## **5. SITE AND SURROUNDING**

- 5.1 The site consists of 15-21 Benwell Road as well as part of 11-13 Benwell Road and is located between Benwell Road and Holloway Road, near the junction with Drayton Park, and has a street frontage to both sides. The site consists largely of 3 post-war warehouse buildings, which have been in use until recently as a warehouse by Galaxy Arts & Crafts. On the Benwell Road frontage, the building is 3- and 4-storeys in height with residential accommodation on the upper floors. On Holloway Road is a single storey building, which was previously in retail use. Set back behind this is a 3 storey building which is occupied as residential. The two frontage buildings are

connected by 2-storey pitched roof and saw-toothed roof buildings. The proposal concerns the ground and first floor commercial elements of the site, rather than the residential accommodation above which would remain in this use.

- 5.2 Immediately to the south of the site, with an entrance from the shared service yard, is a building in office use. To the immediate north of the site is a residential apartment building, beyond which is the London Metropolitan University campus. As well as the residential accommodation on the upper floors of the subject site (though no formal permission can be found for the existing residential units to the upper levels of 15-21 Benwell Road), a number of other residential uses neighbour the site to the south-east and north-west, notably the residential properties of Drayton Park Mews which have an elevation overlooking the courtyard space of the subject site.
- 5.3 The surrounding area is characterised by a varied mix of residential and commercial buildings, generally ranging between two and four stories in height. The site is located within St Mary Magdalene Conservation Area, which is largely characterised by Georgian and Victorian residential properties and the 19<sup>th</sup> century church of St Mary Magdalene. Part of the site is also located within the Lower Holloway Local Shopping Area and the Ring Cross Hamlet Archaeological Priority Area.

## **6. PROPOSAL (IN DETAIL)**

- 6.1 The planning application proposes to convert the majority of the building at ground and first floors from B8 into B1 office space (1,845 sqm) and to use the ground floor of 160 Holloway Road (50sqm) as a food outlet (A1/A3 use). The alterations to the existing building include new fenestration and main entrances as well as a new plant enclosure, a new roof terrace and rearrangement of the existing courtyard space to provide cycle storage, refuse storage an accessible parking bay and shower facilities.
- 6.1 The application includes the following alterations and extensions to the existing buildings:
- amended shopfront design on the Holloway Road frontage;
  - a cut back to the pitched roof building in the middle of the site to allow natural light in at ground floor level;
  - new double glazed skylights at roof level;
  - a new roof terrace, plant enclosure and office floorspace at 2<sup>nd</sup> floor level;
  - a new glazed screen, fenestration and main entrance as well as enlarged windows to the courtyard elevations;
  - new and enlarged windows to the north-facing lightwell and elevations;
  - new glazed screens and entrance to Benwell Road elevation;
  - plant, equipment and extract vents within the loading area and service yard,

- new refuse / recycling storage area, cycle parking, accessible parking bay and communal shower facilities;
- full internal refurbishment of the existing building; and
- a new enlarged residential entrance on the Benwell Road frontage.

6.2 It is intended that the A1/A3 food outlet at 160 Holloway Road is separated from the rest of the site at 15-21 Benwell Road. It will serve members of the public but it will also operate as the 'in house' canteen for the Jamie Oliver Media Group and the tenants of the unit will be selected by the Jamie Oliver Group. There will be a rotation of tenants through the unit so the floorspace is intended to be flexible enough to accommodate different cooking and production methods.

## 7. RELEVANT HISTORY:

7.1 The application site consists of 15-21 Benwell Road as well as part of 11-13 Benwell Road. The following is the most recent and relevant planning history for the land and buildings within the application site.

- P090106: On the 25<sup>th</sup> January 2011, an application for the change of use of the existing warehouse building at 11-13 Benwell Road, including the erection of a part single, part 2-storey roof extension and erection of a 6-storey infill building fronting Benwell Road to provide for 21 residential units, 588sqm business (Class B1) floor space; together with the provision of a disabled car parking space, cycle provision, refuse/recycling enclosures, landscaping and associated works was approved under reference P090106. This permission was not implemented and has now lapsed.
- P2014/1909/FUL: Demolition of existing vacant warehouse buildings and redevelopment of the site comprising: Erection of 5 storey building fronting Benwell Road (Block A) creating 3 residential units (2 x 1-beds & 1 x 3-bed) and 6 storey L shaped building (Block B) creating 479sqm of office space (Class B1) at ground floor and 22 residential units on the upper floors (6 x 1-beds, 16 x 2-beds) with cycle storage, refuse/recycling facilities and landscaping. An appeal was made against non-determination of this application but the appeal was subsequently withdrawn. As such, no determination of the proposal was made.
- P2015/4875/PRA: A prior approval application for the conversion of the existing office floorspace at 160 Holloway Road (above the application site's Holloway Road frontage) to 9 residential units was approved on the 8<sup>th</sup> January 2016 under application reference P2015/4875/PRA.
- P2015/5195/FUL: A change of use from wholesalers (B8 use) to restaurant (A3 use), insertion of new shop front and associated works, alterations to loading bay and introduction of air extract unit was refused under P2015/5195/FUL on the 15<sup>th</sup> February 2016 because of the loss of business floorspace. This application involved approximately 200 sqm of restaurant space located on the Benwell

Road frontage.

### **ENFORCEMENT:**

- 7.2 There is no relevant enforcement history for the site.

### **PRE-APPLICATION ADVICE:**

- 7.3 Pre-application advice was given on the proposal on the 22<sup>nd</sup> June 2016. The principle of the proposal including its design and appearance was supported subject to a detailed assessment of the proposal's servicing / delivery strategy, highways impacts, inclusive design measures and impacts on neighbouring amenity.

## **8. CONSULTATION**

### **Public Consultation**

- 8.1 Letters were sent to occupants of 233 adjoining and nearby properties on Holloway Road, Benwell Road, Drayton Park, Drayton Park Mews, Courtney Road and the neighbouring London Metropolitan University on the 16<sup>th</sup> September 2016. A site notice and press advert were displayed on the 22<sup>nd</sup> September 2016. The initial public consultation of the application therefore expired on the 13<sup>th</sup> October 2016, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 Following some minor amendments to the application, a further consultation was carried out with neighbouring residential occupiers. No letters of representation have been received in response to either consultation exercise.

### **External Consultees**

- 8.3 Historic England raised no objection to the proposal.
- 8.4 Thames Water raised no objection to the proposal subject to relevant informatives on surface water drainage, sewage and water infrastructure.
- 8.5 Transport for London are satisfied that the proposal would be unlikely to have a negative impact on the capacity of either public transport or the TLRN subject to restrictions and conditions on cycle parking and servicing / delivery (*conditions 9 and 19*).
- 8.6 The London Fire and Emergency Planning Authority raised no in principle objections subject to the installation of a sprinkler system.
- 8.7 Lead Local Flood Authority raised no objection to the proposal subject to relevant conditions.

### **Internal Consultees**



8.8 The Policy team raised no objections to the proposal.

8.9 The Access Officer raised the following points about the proposal:

- Level access has been provided to both the office and restaurant facilities
- Lift access has been provided to all levels
- Doors provide an appropriate clear opening width
- Accessible WCs have been provided and
- An on-site accessible parking space has been provided.

These are all welcome.

8.10 However, the following would need to be considered / amended:

- There is no safe route between the accessible parking bay and the entrance - it is hemmed in by the vehicular manoeuvring path.
- Shared surfaces carry intrinsic risks; a protected pedestrian priority route should be provided from Benwell Road to the main entrance.
- Provision should also be made for the storage and charging of mobility scooters.
- All entrances should provide a clear opening width of at least 1000mm (where there are double doors, one leaf should provide the requisite width unless the doors are automated).
- There should be a 300mm clear space beyond the leading edge of all doors (pull side) - this is not the case in the cafe
- The lobby to the accessible WC serving the cafe is inaccessible - for guidance see LBI Inclusive Design SPD
- There should be a 1500m clear space behind the counter in the cafe.
- The route between the office and the accessible WC and restaurant is stepped. A platform lift in this location is recommended.
- The landing at the top of the stairs (between the office and the cafe) is insufficient. It should be as deep as the flight is wide - clear of any obstruction/door swing.
- On the ground floor of the office there are ramps to the accessible WC and lift - we have no information on the gradient of these inclines - clarification is requested.
- The accessible WC serving the offices is remote from the reception area and incorporates a shower, the latter meaning that use will be blocked for protracted periods.
- An accessible WC should be provided wherever there are mainstream facilities - this is not the case at present.
- We have no information on the means of escape/evacuation procedures proposed to ensure the safety of mobility impaired building users in an emergency.

All of these points raised have now been addressed and the access officer has confirmed support for the proposal.

8.11 Design and Conservation Officers have welcomed the proposal, raising no concerns about the proposal's design and appearance.

8.12 The Energy Conservation Officer: recommended that the application not be approved until further evidence was submitted and approved covering:

- Recalculation of baseline and confirmation regarding CO<sub>2</sub> emissions and offset contribution.
- Updates to dynamic thermal modelling and further discussion of cooling hierarchy / ventilation strategy;
- Clarification of hot water provision and heating system;
- Further discussion of future-proofing for connection to a network;
- Further details of on-site heat loads;
- Clarification of CO<sub>2</sub> savings from 'Be Green' stage;
- Updates to Draft GPP.

Updates and amendments have now been provided to the satisfaction of the Council's energy officer, subject to relevant conditions on energy and carbon emissions reductions.

8.13 Public Protection Division raised no objections in principle, subject to relevant conditions on noise, plant equipment and operating hours.

8.14 Spatial Planning and Transport (Transport Officer) raised no objections to the proposal.

8.15 The Sustainability Officer raised the following points:

- Achieving a BREEAM 'Excellent' building is supported;
- The commitment to reduce the notional baseline water efficiency performance level by 40% is supported;
- The target set of 85% of non-hazardous waste to be diverted from landfill is supported;
- it is suggested within the strategy that a linear rain garden or bio-retention area could be integrated. This should be explored with the applicant and would also help to address biodiversity and landscaping enhancements concerns with the proposals;
- Financial contribution towards carbon offsetting is welcomed.

These changes have now been incorporated in to the final design of the proposal.

### **Other Consultees**

- 8.16 The application was not presented to the Members' Pre-application Forum nor to the Design Review Panel as the changes to the existing building are modest in scale and the land use change is supported by planning policy.

## **9. RELEVANT POLICIES**

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

### **National Guidance**

- 9.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.2 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.3 Under the Ministerial Statement of 18 December 2014, the government seeks to increase the weight given to SuDS being delivered in favour of traditional drainage solutions. Further guidance from the DCLG has confirmed that LPA's will be required (as a statutory requirement) to consult the Lead Local Flood Authority (LLFA) on applicable planning applications (major schemes).

### **Development Plan**

- 9.4 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

### **Site Allocation**

- 9.5 Part of the subject site (11-13 Benwell Road) is identified as site HC4 within the Site Allocation Plan, which states that the site should provide:
- Mixed use redevelopment/conversion providing business (B class) and residential uses including infill development above the entrance on the Benwell Road building.
  - This would facilitate the reinstatement of employment use on the site and provide regenerative benefits for the local area. An element of residential use would also help to meet identified need in the borough.
  - Amenity space should be included. A better development and improved access may be possible if site assembly included adjacent industrial sites.

It is not considered that the proposals at the subject site would prejudice the potential for delivering the objectives of the site allocation for 11-13 Benwell Road.

### **Designations**

9.6 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013:

- Core Strategy Key Area – Highbury Corner & Holloway Road
- St Mary Magdalene Conservation Area
- Archaeological Priority Area (Ring Cross Hamlet)
- Local, Major and Strategic Cycle Routes
- Lower Holloway Local Shopping Area
- Adjacent to TLRN
- Site Allocations HC4 (11-13 Benwell Road)

### **Supplementary Planning Guidance (SPG) / Document (SPD)**

9.7 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

## **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Principle (Land Use)
- Design, Conservation and Heritage
- Neighbouring Amenity
- Inclusive Design
- Energy and Sustainability
- Highways and Transportation
- Section 106 and CIL

### **Land-use**

10.1 The subject site's lawful use is a warehouse (B8 use) and A1 retail and thus its retention in business use and conversion to B1 (office) is supported in accordance with Islington Core Strategy Policy CS13 and DM5.1, which seeks to safeguard existing business spaces throughout the borough by protecting against change of use to non-business uses.

10.2 Furthermore, development which improves the quality and quantity of existing provision will be encouraged. The proposal involves a modest increase in employment floorspace. In accordance with Development Management Policy DM5.1, new business floorspace must be designed to:

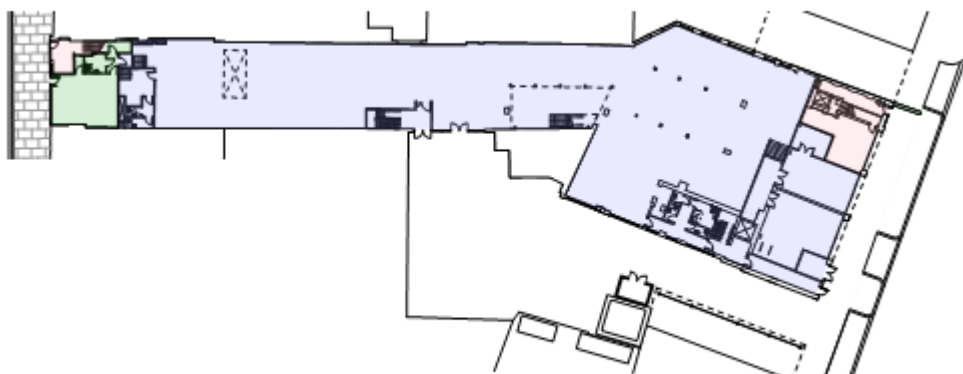
- (i) Allow for future flexibility for a range of uses, including future subdivision

and/or amalgamation for a range of business accommodation, particularly for a small businesses, and

- (ii) Provide full separation of business and residential floorspace, where forming part of a mixed use residential development.

10.3 It is understood that the proposed use is for a single occupier known as Jamie Oliver Media Group. As a consequence, the space has not been specifically designed for small and medium enterprises. However, the new floorspace to be created by this proposal would indeed be a separate unit accessed via its own lift and stair core with access to its own ancillary facilities. As such, whilst it is not currently envisaged that this additional floorspace will be used by a separate occupier, the potential is there for it to be used independently.

10.4 160 Holloway Road lies within the Lower Holloway Local Shopping Area. It was formerly in retail use. Development Management Policy DM4.6 states that development proposals in Local Shopping Areas will only be granted where an appropriate mix and balance of uses with the Local Shopping Area (which maintains and enhances the retail and service function of the Local Shopping Area) is retained. The proposal seeks to reactivate the site's Holloway Road frontage by providing an A1/A3 unit here, which is supported in principle. The proposed mix of uses on the ground floor between B1 and A1/A3 is shown on the diagram below.



4 Proposed Ground Floor Plan  
NTS

KEY

- Residential
- B2 warehouse
- B1 office
- A1/A3 food outlet

10.5 The A1/A3 unit would represent a mixed use, designed to be open to the general public but affiliated to the Jamie Oliver Media Group. It would occupy 50sqm of space and its small size would preclude it being used as a sit down restaurant but rather would be used to showcase new food trends.

10.6 Part of the site sits within 11-13 Benwell Road, which has been identified within the Site Allocations schedule as having potential for mixed use redevelopment and conversion providing business floorspace and residential uses. The Site Allocation (HC4) references the now-lapsed planning permission (P090106), which included an infill development above the entrance on Benwell Road and the retention of the courtyard space to provide access to the proposed

commercial uses. The proposed change of use and refurbishment being assessed here is not considered to prejudice the site's potential to deliver the objectives of the Site Allocation Schedule. Above all, both the lapsed planning permission for 11-13 Benwell Road and the planning application being considered here are compatible with each other in that they make use of the generous courtyard space to provide pedestrian access, cycle storage and refuse / recycling facilities.

- 10.7 In summary, the land-use element of the proposal is considered to be acceptable through delivering high quality office floorspace that would increase and improve the existing business floorspace on the site and provide an acceptable retail/cafe floorspace within a designated Local Shopping Area.

### **Design, Conservation and Heritage Considerations**

- 10.8 The National Planning Policy Framework states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development.
- 10.9 The London Plan (2015) Policy 7.6 expects architecture to make a positive contribution to a coherent public realm, streetscape and wider cityspace. It should incorporate the highest quality materials and design appropriate to its context. Moreover, buildings and structures should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and comprise details and materials that complement, not necessarily replicate, the local architecture.
- 10.10 Policy CS9 states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive. The borough's unique character will be protected by preserving the historic urban fabric. Finally, Islington's Development Management Policy DM2.1 requires all forms of development to be of a high quality, incorporating inclusive design principles while making positive contributions to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics.
- 10.11 The site is located within the St Mary Magdalene Conservation Area and thus the site and its context needs to be treated sensitively in terms of its impact on the surrounding area. The CA guidelines state that the St. Mary Magdalene Conservation Area is an area of special architectural and historic interest, with a character and appearance that is worthy of protection and enhancement. Moreover, shopfronts in the area provide a visual focus and interest and are an important factor in creating the character of the area. In this regard, traditional materials should be used on all new shopfronts and their design should reflect the strong vertical emphasis which characterises shopfronts in the area.
- 10.12 The application only proposes modest alterations to the existing building's external appearance. The shopfront proposed on the Holloway Road frontage will remain largely unchanged apart from the replacement of the existing shopfront window with a metal framed glazed screen and the replacement of existing signage with new fascia signage above. Details of the fascia signage

have not been provided so any permission would be subject to a condition requiring details of the shopfront, including signage, to be submitted to and approved by the Local Planning Authority.

- 10.13 Behind the A1/A3 unit, it is proposed to remove a part of the 1<sup>st</sup> floor as well as a section of roof and replace it with roof-lights in order to provide better internal daylighting. New brickwork would be reinstated to the now exposed elevation facing the lightwell. The change would not be seen from any public vantage points and would improve the quality of the internal space. Moreover, a new external flue is proposed which would run up the eastern façade of this building terminating 1 metre above roof level. The flue would be largely hidden from view behind the existing roof parapet. Access to the residential units situated above the Holloway road unit, would remain unchanged from the current position adjacent to the entrance to 158 Holloway Road.
- 10.14 At roof level of 11-13 Benwell Road, which has now been included as part of the application site, a new acoustically screened plant is proposed behind the existing metal screen. The plant room would be set below the existing roof parapet and would not be seen from street level. At roof level of the pitched-roof warehouse building which connects the Holloway Road frontage building with that on Benwell Road, it is proposed to provide a series of double glazed roof-lights. The change would provide better access to natural light to the new office space.
- 10.15 A number of alterations are proposed to the courtyard elevation on Benwell Road. Firstly, a new entrance is proposed on this elevation, including the installation of a metal framed double glazed entrance door and fire exit door as well as a metal framed double glazed window screen with painted metal channel fascia panels. Moreover, the proposal includes the insertion of two new metal framed windows to match the existing windows and the enlargement of the existing windows to the courtyard space. A further metal framed door and window is proposed on this elevation closer to the Benwell Road frontage. Finally, the application proposes a ventilation grill in association with the air handling unit and a louvred metal refuse door.



***Courtyard elevation***

- 10.16 The changes to this elevation are considered to have the combined effect of tidying up the façade and ensuring the internal space becomes a useable and functional office. It is also proposed to tidy up the buildings' northern elevations by inserting new metal framed double glazed windows on the façade facing the neighbouring employment site and new obscured glazing to

the existing light-well, which the application site shares with 162 Holloway Road, to maintain privacy to the neighbouring residential site.

- 10.17 Further changes are proposed to the saw-toothed roof of the warehouse building closest to Benwell Road. The changes include refurbishing the roof and roof-lights and introducing new roof-lights and solar panels. Moreover, a section of the roof would be replaced by a roof terrace facing the courtyard and part of the roof space would be converted into further office accommodation. On the Benwell Road frontage, the ground floor would undergo a number of alterations. Firstly, the metal gate which currently provides access to the courtyard space would be replaced by a new gate and a new metal door would be provided to serve the refuse store. The existing shutters would also be replaced by a double glazed sliding folding screen with obscured glazing at lower level and louvered ventilation detail at higher level and an enlarged entrance is proposed to serve the residential accommodation above.
- 10.18 Within the courtyard space itself, a new building is proposed to provide a bike store, bathroom facilities and a wheelchair accessible toilet. The building would be constructed in a combination of galvanised pressed metal panels, painted steel posts, black recycled paper panels and a glazed screen to match the aesthetic of the overall development. The courtyard would also undergo further interventions such as a designated pedestrian priority route, a vehicular turning bay, an accessible parking bay and planter benches.
- 10.19 The application proposes modest alterations to the existing warehouse buildings, which are considered to improve the external appearance of the buildings' facades, the Benwell Road and Holloway Road frontages as well as the courtyard elevations. The architecture proposed would make a positive contribution to the streetscape and would enhance and protect Islington's built environment. In this respect, the application is considered to be in accordance with London Plan Policy 7.6, Islington Core Strategy Policy CS7 and Islington's Development Management Policy DM2.1.

### **Neighbouring Amenity**

- 10.20 All new developments are subject to an assessment of their impact on neighbouring amenity in terms of loss of daylight, sunlight, privacy and an increased sense of enclosure. A development's likely impact in terms of air quality, dust, safety, security, noise and disturbance is also assessed. In this regard, the proposal is subject to London Plan Policy 7.14 and 7.15 as well as Development Management Policies DM2.1 and DM6.1 which requires for all developments to be safe and inclusive and to maintain a good level of amenity, mitigating impacts such as noise and air quality.
- 10.21 Moreover, London Plan Policy 7.6 requires for buildings in residential environments to pay particular attention to privacy, amenity and overshadowing. In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on



neighbours. The proposal does not have the effect of increasing the height, scale or massing of existing buildings on site. As such, there would not be any impacts on the sunlight or daylight afforded to neighbouring residential properties.

- 10.22 In terms of privacy Policy DM2.1 identifies that *'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy'*. In the application of this policy, consideration has to be given also to the nature of views between habitable rooms. For instance where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no harm. Habitable rooms provide the living accommodation of the dwelling. Habitable rooms are defined as any room used or intended to be used for sleeping, cooking, living or eating purposes.
- 10.23 The proposal introduces new and enlarged windows on the courtyard elevation. The courtyard is also shared by residential properties, notably to Drayton Park Mews which has windows that serve habitable rooms facing the courtyard. The majority of the new windows proposed would maintain the 18 metre distance to residential windows. However, some new enlarged windows as well as the new roof terrace on second floor would be within 18 metres of residential windows. As such, it is proposed to include additional screening to the windows and roof terrace and a condition would be attached to any permission in the event that consent is granted to ensure that suitable screening is implemented (*condition 17*).
- 10.24 In terms of noise, a noise survey was carried out at the site between the 20<sup>th</sup> and 23<sup>th</sup> November 2015 to assess existing noise levels in the area. Measurements were undertaken at a position that was subjectively judged to be representative of the immediate noise environment. The potential noise from mechanical plant on the proposed building was identified as one of the main sources of noise during the operational phase of development. In order to mitigate any noise impacts from plant room, permission would be subject to conditions regulating noise transfer so that noise is kept to below existing background noise levels (*condition xx*).
- 10.25 While noise levels generated by the office spaces are not considered to be significant, the café use at ground floor level has the potential of contributing to noise emissions to the detriment of residential amenity. It is important for these noise impacts to be tightly controlled and as such any permission would be subject to a condition (*conditions 14 and 15*) which ensures that high performance acoustic separating walls are used to protect residential amenity. Furthermore, noise limits would be imposed on commercial tenants and hours of operation would be controlled so as to reduce impact on neighbours (*conditions 24 and 25*).
- 10.26 The delivery and servicing arrangements also have the potential of contributing to a noisy environment. As such, servicing and delivery will be limited to certain hours of the day and a servicing and delivery management strategy will ensure that a sensitive approach is upheld for the lifetime of the development (*condition 19*). Finally, in terms of air quality, the extract flue

which would serve the ground floor café use would terminate at a significant distance from neighbouring residential properties. No concerns or objections were raised by pollution control on this aspect of the development.

10.27 Subject to these conditions being imposed, it is not considered that the application is likely to have an adverse impact on the amenity of residential occupiers. The proposal is considered to comply with the aims and objectives of London Plan Policy 7.14. It is not considered that the proposal would result in an unacceptable impact on residential amenity in terms of loss of daylight, sunlight, privacy, air quality or an increase in noise, disturbance or sense of enclosure.

### **Inclusive Design**

10.28 The relevant policies are 7.2 of the London Plan 2015 and Development Management Policy DM2.2, which seeks inclusive, accessible and flexibly designed accommodation throughout the borough. The London Plan Policy requires all new development in London to achieve the highest standards of accessible and inclusive design, by ensuring that developments: (i) can be used safely, easily and with dignity by all members of society; (ii) are welcoming and convenient with no disabling barriers, (iii) are flexible and responsive to peoples' needs and (iv) are realistic, offering more than one solution to future users.

10.29 Islington's Development Management Policies require all developments to demonstrate that they provide for ease of and versatility in use; that they deliver safe, legible and logical environments and produce places and spaces that are convenient and enjoyable to use for everyone. Any development needs to be assessed against this policy background to ensure that they are genuinely inclusive from the outset and remain so for the lifetime of the development.

10.30 After a number of amendments, the proposal now complies with the principles of inclusive design. The entrance and courtyard space have now been separated out between a pedestrian priority area and the vehicular route and turning head. Storage for mobility scooters would be provided in a safe and accessible location within the one of the main buildings.

10.31 Furthermore, all entrance doors have now been shown with sufficient width to provide access for wheelchair users and all areas of the employment space would have level / lift access. All lobby areas and landings would comply with inclusive design guidance. Finally, toilet facilities for ambulant disabled and wheelchair users have been provided on all floors of the employment floorspace.

10.32 Subject to relevant conditions (*condition 11*), the proposal is considered to meet the Council's inclusive design objectives in accordance with London Plan Policy 7.2 and Islington's Development Management Policy 2.2.

### **Energy and Sustainability**

- 10.33 The London Plan (adopted July 2015) Policy 5.1 stipulates a London-wide reduction of carbon emissions of 60 per cent by 2025. Policy 5.2 of the plan requires all development proposals to contribute towards climate change mitigation by minimising carbon dioxide emissions through energy efficient design, the use of less energy and the incorporation of renewable energy. London Plan Policy 5.5 sets strategic targets for new developments to connect to localised and decentralised energy systems while Policy 5.6 requires developments to evaluate the feasibility of Combined Heat and Power (CHP) systems.
- 10.34 Islington's Core Strategy Policy CS10 'Sustainable Design' requires all developments to minimise on-site carbon dioxide emissions and sets an overall target for all development to achieve a 40% reduction in comparison with total emissions from a building that complies with Building Regulations 2006 (or a 27% reduction compared to a Building Regulations 2013 compliant building), unless it can be demonstrated that such a target is not feasible. The London Plan sets out a CO<sub>2</sub> reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013. The Energy Statement does not propose connection to a District Energy Network in the short to medium term, as there is not a suitable network within 500m.
- 10.35 The applicant proposes a reduction of 46.8% on regulated emissions, against a 2013 building regulations baseline, through energy efficiency measures, a site-wide heating system and renewable energy measures. This meets the requirement under the London Plan. However, the application would only meet a reduction of 11.3% in total emissions against a Building Regulations 2013 compliant building. Solar photovoltaics have been identified as providing the most viable and appropriate form of on-site renewable energy. Though the carbon emissions target for total emissions has not been met, there are obvious limitations to what is essentially a refurbishment and on this basis our energy and sustainability officers have accepted the proposed strategy.
- 10.36 In accordance with the Council's Zero Carbon Policy, the council's Environmental Design SPD states "after minimising CO<sub>2</sub> emissions onsite, developments are required to offset all remaining CO<sub>2</sub> emissions (Policy CS10) through a financial contribution". The Environmental Design SPD states "The calculation of the amount of CO<sub>2</sub> to be offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement." The energy statement shows final total CO<sub>2</sub> emissions of 70.37 tonnes. Based on this and the current Islington rate of £920 / tonne, the development will be subject to an offset payment of £64,740. The applicants have confirmed their agreement to this contribution and this will be secured by section 106 agreement.
- 10.37 The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management Policy DM7.1 requires for development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details and specifics are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG.

- 10.38 Development Management Policy DM7.4 requires the achievement of BREEAM 'Excellent' on all non-residential major development. Major developments are also required to comply with Islington's Code of Practice for Construction Sites and to achieve relevant water efficiency targets as set out in the BREEAM standards. The applicants have committed to provide a BREEAM 'Excellent' building, with an aspiration to achieving 'Outstanding'. The achievement of all BREEAM credits for water efficiency is supported, as is the use of low flow fixtures and fittings proposed.
- 10.39 The commitment to achieving a BREEAM Refurbishment and Fit-Out 2014 Excellent Rating with at least 60% achieved within energy, water and materials sections is welcome. A commitment to divert 85% of waste from landfill is also supported. The applicant also proposes a 40% reduction in typical water use rates through the implementation of water efficiency and reuse measures. The inclusion of convenient cycle storage facilities, bird and bat boxes as well as soft landscaping features further enhance the environmental sustainability of the proposal.
- 10.40 Given the buildings' roof profile it will be a challenge to provide extensive green roofs on site. However, biodiversity based extensive substrate green roofs with a minimum substrate depth of 80-150mm should be provided on all available roof space. More should be done to maximize sustainable methods of water attenuation that do not rely on hard solutions. Further details would be required by condition (*condition 7*). Finally, the submitted draft Green Performance Plan is supported and would be included as part of the section 106 agreement.
- 10.41 Subject to appropriate conditions, the energy and sustainability measures proposed as part of this application are considered to meet the environmental objectives of the Council in accordance with London Plan Policies 5.1, 5.2 and 5.5, Islington Core Strategy Policy CS10, Development Management Policy DM7.1 as well as the aims and objectives of Islington's Environmental Design SPD.

### **Highways and Transportation**

- 10.42 The application site is in a relatively central London location, with very good links to public transport and a Public Transport Accessibility Level of 6a, which represents an area of very high accessibility. The site includes a service and delivery yard with loading bays accessed from Benwell Road.
- 10.43 London Plan Policy 6.3 states that proposals should ensure that impacts on transport capacity and the transport network are fully assessed. Moreover, Policies 6.9 and 6.10 state that the Mayor will work with all relevant partners to bring about a significant increase in cycling as well as walking across London.
- 10.44 Development Management Policy DM8.1 requires the design of developments to prioritise the transport needs of pedestrians, public transport users and cyclists above those of motor vehicles. Policy DM8.2 requires development to meet its own transport needs in a sustainable manner, while Policy DM8.5 states that vehicle parking will only be allowed for non-residential developments where it is essential for the operation of the business and need has been demonstrated.

- 10.45 The site is located between Benwell Road and Holloway Road within walking distance to Highbury & Islington, Holloway Road station and Drayton Park railway station. The site's high PTAL rating means that those travelling to and from the site are expected to use sustainable modes of transport. As such, the proposed development would be car-free which is supported by policy. A Transport Statement has been submitted with the application which shows that there is a reduction in overall vehicular traffic associated to the development.
- 10.46 In terms of cycle parking provision, a total of 27 cycle parking spaces would be provided in secure, adequately lit and conveniently located areas (*condition 9*). This provision is in accordance with policy and would provide a sufficient level of alternative sustainable modes of transport. In addition to this, a dedicated area for mobility scooters would be provided. Shower facilities have been provided in a new shower block adjacent to the cycle bays.
- 10.47 The application proposes to retain one of the existing service bays with access from Benwell Road as well as the courtyard space. Further detail would be required by condition to ensure that the servicing and delivery is carried out without disrupting the flow of traffic or the local highway network (*condition 19*). The courtyard area provides space for one wheelchair accessible parking bay.
- 10.48 The proposal would not give rise to any unacceptable impacts on transportation or the highway network and is considered to be acceptable, in accordance with relevant Islington Core Strategy Policy CS10 and Development Management Policies DM8.2 and DM8.6 subject to conditions and clauses within the s106 legal agreement.

### **Planning Obligations, Community Infrastructure Levy and local finance considerations**

- 10.49 Islington's CIL Regulation 123 infrastructure list specifically excludes measures that are required in order to mitigate the direct impacts of a particular development. This means that the measures required to mitigate the negative impacts of this development in terms of carbon emissions, lack of accessible parking spaces and local accessibility cannot be funded through Islington's CIL. Separate contributions are therefore needed to pay for the necessary carbon offset, highway reinstatement and local accessibility investment required to ensure that the development does not cause unacceptable impacts on the local area.
- 10.50 None of the financial contributions included in the heads of terms represent general infrastructure, so the pooling limit does not apply. Furthermore, none of the contributions represent items for which five or more previous contributions have been secured.
- 10.51 The carbon offset and accessible transport contributions are site-specific obligations, both with the purpose of mitigating the negative impacts of this specific development. The carbon offset contribution figure is directly related to the projected performance (in terms of operation emissions) of the building as designed, therefore being commensurate to the specifics of a particular development. This contribution does not therefore form a tariff-style payment. Furthermore, in the event that policy compliant on-site accessible car parking spaces had been provided by the development (or other accessibility measure)

a financial contribution would not have been sought. Therefore this is also a site-specific contribution required in order to address a weakness of the development proposal, thus also not forming a tariff-style payment.

- 10.52 The highway and footway reinstatement requirement is also very clearly site-specific. The total cost will partly depend on the damage caused by construction of this development, and these works cannot be funded through CIL receipts as the impacts are directly related to this specific development.
- 10.53 None of these contributions were included in Islington's proposed CIL during viability testing, and all of the contributions were considered during public examination on the CIL as separate charges that would be required in cases where relevant impacts would result from proposed developments. The CIL Examiner did not consider that these types of separate charges in addition to Islington's proposed CIL rates would result in unacceptable impacts on development in Islington due to cumulative viability implications or any other issue.

### **National Planning Policy Framework**

- 10.54 Paragraph 17 of the NPPF sets out 12 core planning principles that should underpin decision-taking. The current proposal is strong in relation to the principles relating to the reuse of land, and encouraging walking. Subject to conditions and the necessary S106 agreement, the proposed development is also largely in compliance with the principles relating to design and amenity, and the conservation and enhancement of the natural environment.
- 10.55 In the final balance of planning considerations officers have also considered the proposal in the context of the presumption in favour of sustainable development set out in the NPPF.

## **SUMMARY AND CONCLUSION**

### **Summary**

- 10.56 The proposal to extend and refurbish the application site to provide 1,845sqm of office floorspace and 50sqm of retail/ café floorspace is considered acceptable in land use terms and in accordance with policy being a site within a designated Local Shopping Area. The proposal would deliver high quality office floorspace that would increase and improve the existing business floorspace on site. Furthermore, the proposal would increase the amount of retail floorspace within a designated Local Shopping Area. The proposal is considered to be of a high quality and would improve the aesthetic of the existing façades. The internal refurbishment would convert a vacant warehouse to useable, functional and high quality office floorspace that would meet inclusive design principles.
- 10.57 It is not considered that the proposal would result in an unacceptable impact on residential amenity in terms of loss of daylight, sunlight, privacy, air quality or an increase in noise, disturbance or sense of enclosure. Neither is the proposal considered to have a detrimental impact on the surrounding highway network.

10.58 Finally, the application intensifies the use of the site yet provides a more sustainable building through the use of energy efficiency measures, clean and renewable energy and sustainable design methods. The application is considered to be acceptable in planning terms and would accord with local and national planning policy and guidance as outlined within this report.

### **Conclusion**

10.59 The planning application constitutes a well-designed refurbishment of a commercial building that complies with local, regional and national planning policy and guidance. It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms for the reasons and details as set out in Appendix 1 – RECOMMENDATIONS.

# APPENDIX 1 – RECOMMENDATIONS

## RECOMMENDATION A

That planning permission be granted subject to the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including mortgagees) in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service:

1. The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Condition surveys may be required.
2. Compliance with the Code of Employment and Training.
3. Compliance with the Code of Local Procurement.
4. Compliance with the Code of Construction Practice, including a monitoring fee of £100.
5. The provision of 4 accessible parking bays or a contribution of £8,000 towards bays or other accessible transport initiatives.
6. A contribution of £64,470 towards offsetting any projected residual CO2 emissions of the development.
7. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect).
8. Submission of a Green Performance Plan.
9. Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase.
10. Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.
11. Others as necessary.

All payments to the Council are to be index linked from the Committee Date and are due upon implementation of the planning permission.

The above list of Heads of Terms may be amended as a result of a process of internal consultation or further issues arising in the course of the application. Solicitors details will be needed, proof of title and an undertaking to meet the reasonable legal fees of the council.

That, should the **Section 106** Deed of Planning Obligation not be completed within the Planning Performance Agreement timescale from the date when the application was made valid, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.



ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

## RECOMMENDATION B

That the grant of planning permission be subject to **conditions** to secure the following:

### List of Conditions:

<b>1</b>	<b>Commencement (Compliance)</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list (compliance)</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the Local Planning Authority:</p> <p>Existing Drawings: 155A-00-001 Rev D; 155A-01-001 Rev D; 155A-01-002 Rev D; 155A-01-003 Rev C; 155A-01-004 Rev D; 155A-01-005 Rev C; 155A-01-006 Rev C; 155A-01-007 Rev C; 155A-01-008 Rev C; 155A-01-009 Rev C; 155A-01-010 Rev C; 155A-02-001 Rev D; 155A-02-002 Rev C; 155A-02-003 Rev C; 155A-02-004 Rev C; 155A-02-005 Rev C; 155A-02-006 Rev C; 155A-02-007 Rev C; 155A-02-008 Rev C; 155A-03-001 Rev C; 155A-03-001 Rev C; 155A-03-002 Rev C; 155A-03-003 Rev C; 155A-03-004 Rev C; 155A-03-005 Rev C; 155A-03-006 Rev C; 155A-03-007 Rev C; 155A-03-008 Rev C; 155A-03-009 Rev C.</p> <p>Proposed Drawings: 155A-05-001 Rev F; 155A-05-002 Rev E; 155A-05-003 Rev E; 155A-05-004 Rev E; 155A-05-005 Rev D; 155A-05-006 Rev D; 155A-05-007 Rev D; 155A-05-008 Rev D; 155A-05-009 Rev D; 155A-05-010 Rev D; 155A-05-011 Rev E; 155a-06-001 Rev D; 155a-06-002 Rev D; 155a-06-003 Rev D; 155a-06-004 Rev D; 155a-06-005 Rev D; 155a-06-006 Rev D; 155a-06-007 Rev D; 155a-06-008 Rev D; 155a-06-009 Rev C; 155a-07-001 Rev D; 155a-07-002 Rev D; 155a-07-003 Rev D; 155a-07-004 Rev D; 155a-07-005 Rev D; 155a-07-006 Rev D; 155a-07-007 Rev D; 155a-07-008 Rev D; 155a-07-009 Rev D; 155a-07-010 Rev D; 155a-07-010a Rev A; 155a-07-011 Rev C.</p> <p>Planning Statement by Indigo Planning dated August 2016          Energy Assessment Eight Associates (Issue 4) dated 25<sup>th</sup> November 2016          Sustainability Statement by Eight Associates dated 25<sup>th</sup> November 2016          Design &amp; Access Statement (155a-65-002) by dated 24<sup>th</sup> August 2016</p>

	<p>Transport Statement by David Tucker Associates dated 23<sup>rd</sup> August 2016  Environmental Noise Impact Assessment dated 19<sup>th</sup> October 2016  Archaeological Desk-Based Assessment by CGMS dated August 2016</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials and Samples (Details)*</b>
	<p>CONDITION: Details of facing materials including samples shall be submitted to and approved in writing by the Local Planning Authority prior to works to the external fabric of the building commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) brickwork, bond and mortar courses;</li> <li>b) metal cladding, panels, frames and architectural metalwork (including details of seams, gaps, and any profiling);</li> <li>c) windows and doors;</li> <li>d) entrance and access gates;</li> <li>e) roofing materials;</li> <li>f) any other materials to be used on the exterior of the development; and</li> <li>g) a Green Procurement Plan for sourcing the proposed materials.</li> </ul> <p>The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste.</p> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
<b>4</b>	<b>External pipes, cables and CCTV (Compliance/Details)</b>
	<p>CONDITION: No cables, plumbing, down pipes, rainwater pipes, foul pipes or CCTV cameras or related equipment and installations other than those shown on the approved plans shall be located/fixed to any elevation(s) of the buildings hereby approved.</p> <p>Should CCTV or additional cables, pipes be considered necessary the details of these shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard.</p>
<b>5</b>	<b>Landscaping (Details)*</b>
	<p>CONDITION: The landscaping shall be delivered in accordance with the approved plans and shall be completed during the first planting season after the</p>

	<p>date on which development in accordance with this permission has been completed. This landscaping and tree planting must have a two year maintenance/ watering provision following planting. Trees or shrubs which die within five years of completion of the development shall be replaced to the satisfaction of the Local Planning Authority with the same species or an approved alternative.</p> <p>REASON: To ensure prior establishment and maturity of landscaping to enhance the visual amenity of the site. In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policies: 5.10, 7.19 and 7.21 of the London Plan 2015, policies: CS7, CS15A, B and F of the Islington Core Strategy 2011 and 6.5 of the DM policy 2013.</p>
<b>6</b>	<b>BREEAM (Compliance)</b>
	<p>CONDITION: The development shall achieve a BREEAM Refurbishment Fit-Out rating (2014) of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
<b>7</b>	<b>SUDS features (Compliance/Details)*</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, details of green/living roofs or bio-retention systems on the development hereby approved (illustrating increased coverage and potential for run-off attenuation) and the species to be planted/seeded shall be submitted to and approved in writing by the Local Planning Authority prior to external works commencing. The green/living roofs shall:</p> <p>a) form biodiversity-based roofs with extensive substrate bases (depth 80-150mm);</p> <p>b) be planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works. Green/living roofs shall be expected to extend beneath any photovoltaic arrays proposed at roof level. The green/living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development provides the maximum possible provision of biodiversity and water retention.</p>
<b>8</b>	<b>REFUSE / RECYCLING (Compliance)</b>
	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>The refuse and recycling enclosures and waste shall be managed and carried out at all times in accordance with the details of the approved 'servicing and waste management plan'.</p>

	<p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
<b>9</b>	<p><b>Cycle Parking (Compliance)</b></p> <p>CONDITION: The two bicycle storage areas hereby approved shall be covered, secure and provide for no less than:</p> <ul style="list-style-type: none"> <li>- 24 cycle spaces within the courtyard</li> <li>- 3 cycle spaces within the loading bay</li> </ul> <p>These spaces shall be provided prior to the first occupation of the relevant part of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>10</b>	<p><b>Loading / unloading hours (Compliance)</b></p> <p>CONDITION: Deliveries, collections, unloading, loading of the commercial uses shall only be between the following hours:</p> <p style="text-align: center;">Monday to Saturday – 07:00 – 19:00 Sundays/Bank Holidays – not at all</p> <p>REASON: To ensure that the development does not have any undue adverse impact on nearby residential amenity or business operations.</p>
<b>11</b>	<p><b>Inclusive Design (Compliance)</b></p> <p>CONDITION: The development shall be designed in accordance with the principles of Inclusive Design. To achieve this, the development shall be constructed and carried out strictly in accordance with the details hereby approved, shall be maintained as such thereafter.</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>
<b>12</b>	<p><b>Nesting Boxes (Details/Compliance)</b></p> <p>CONDITION: At least four nesting boxes for birds or bats shall be provided within the development, installed prior to the first occupation of the building and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>13</b>	<p><b>Plant noise (Compliance)</b></p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained</p>

	<p>within BS 4142: 2014.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations</p>
<b>14</b>	<b>Plant noise (Details)*</b>
	<p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced &amp; competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 14. The report shall be submitted to and approved in writing by the Local Planning Authority and any noise mitigation measures shall be installed before commencement of the use hereby permitted and permanently retained thereafter.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
<b>15</b>	<b>Plant operation (Compliance)</b>
	<p>CONDITION: Prior to the hereby approved plant equipment being used, a timer shall be installed limiting the operation of the plant to between the hours of 07:00 to 23:00 each day. The plant shall not be operated outside of these hours. The timer shall be maintained as such thereafter.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
<b>16</b>	<b>Privacy Screening (Details)</b>
	<p>CONDITION: Details of suitable screening or other design solution to prevent overlooking of neighbouring residential properties from the roof terrace and windows onto the courtyard space shall be submitted to and approved in writing by the Local Planning Authority prior to external works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved prior to first occupation, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To prevent overlooking of and loss of privacy to neighbouring residential properties, to ensure that the resulting appearance and construction of the development is to a high standard.</p>
<b>17</b>	<b>Shopfronts (Details)*</b>
	<p>CONDITION: An elevation of the shopfront on Holloway Road hereby approved at scale 1:50 shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant part of the works commencing.</p> <p>The shopfronts shall be carried out strictly in accordance with the elevations so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is of a high standard.</p>

<b>18</b>	<b>Delivery / Servicing Plan</b>
	<p>CONDITION: Prior to any works commencing on site, a Delivery and Servicing Management Plan (DSMP) shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The DSMP shall include details of all servicing and delivery requirements, including details of how waste (including recyclable waste) would be transferred and collected, and shall confirm the timings of all deliveries and collections from service vehicles.</p> <p>The development shall be carried out strictly in accordance with the DSMP so approved.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development in accordance with policies 5.16, 6.3 and 6.14 of the London Plan 2015, policy CS11 of Islington's Core Strategy 2011, and policies DM2.1 and DM8.6 of Islington's Development Management Policies 2013.</p>
<b>19</b>	<b>Construction Management (Details)*</b>
	<p>CONDITION: A Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets.</p>
<b>20</b>	<b>Roof-Level Structures (Details)*</b>
	<p>CONDITION: Details of any roof-level structures (including lift over-runs, flues/extracts, plant, photovoltaic panels and window cleaning apparatus) shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant part of the development commencing. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding area.</p>

<b>21</b>	<b>Lifts (Compliance)</b>
	<p>CONDITION: All lifts hereby approved shall be installed and operational prior to the first occupation of the office floorspace hereby approved.</p> <p>REASON: To ensure that inclusive and accessible routes are provided throughout the office floorspace at all floors and also accessible routes through the site are provided to ensure no one is excluded from full use and enjoyment of the site.</p>
<b>22</b>	<b>Retail Opening Hours (Compliance)</b>
	<p>CONDITION: The ground floor café/restaurant uses (A1/A3) hereby approved shall not operate except between the hours of 07:00 and 23:00 on any day unless otherwise agreed in writing with the Local Planning Authority.</p> <p>REASON: To ensure that the operation of the retail units do not unduly impact on residential amenity.</p>
<b>23</b>	<b>Sound Insulation (Details)*</b>
	<p>CONDITION: Full particulars and details of a scheme for sound insulation for the retail / café / restaurant uses in the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works of the relevant phase of the development.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the relevant phase of development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that residential amenity of surrounding properties is appropriately minimised.</p>
<b>24</b>	<b>Energy Assessment (Details)*</b>
	<p>CONDITION: The energy measures as outlined within the approved Energy Strategy shall together provide for no less than a 11.4% on-site total C02 emissions reduction in comparison with total emissions from a building which complies with Building Regulations 2013.</p> <p>Should, following further assessment, the approved energy measures be found to be no longer suitable, a revised Energy Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The revised energy strategy shall provide for no less than a 11.4% on-site total C02 reduction in comparison with total emissions from a building which complies with Building Regulations 2013.</p> <p>The final agreed scheme shall be installed and operational prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the</p>

	Local Planning Authority may be satisfied that the CO2 emission reduction targets are met.
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**List of Informatives:**

<b>1</b>	<b>S106</b> SECTION 106 AGREEMENT You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
<b>2</b>	<b>Superstructure</b> DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION' A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
<b>3</b>	<b>Community Infrastructure Levy (CIL) (Granting Consent)</b> INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a> . The Council will then issue a Liability Notice setting out the amount of CIL that is payable.  Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a>  <b>Pre-Commencement Conditions:</b> These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.
<b>4</b>	<b>Sustainable Sourcing of Materials</b> INFORMATIVE: Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.
<b>5</b>	<b>Car-Free Development</b> INFORMATIVE: All new developments are to be car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking



	provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.
<b>6</b>	<b>Surface Water Drainage</b>
	INFORMATIVE: With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
<b>7</b>	<b>NPPF</b>
	INFORMATIVE: The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages of the development to deliver an acceptable development in line with the NPPF.

## APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

### 1 National Guidance

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Since March 2014 Planning Practice Guidance for England has been published online.

### 2. Development Plan

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2015 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011**

##### **1 Context and strategy**

Policy 1.1 Delivering the strategic vision and objectives for London

##### **2 London's places**

Policy 2.1 London in its global, European and United Kingdom context  
Policy 2.2 London and the wider metropolitan area  
Policy 2.9 Inner London

##### **3 London's people**

Policy 3.1 Ensuring equal life chances for all  
Policy 3.2 Improving health and addressing health inequalities

##### **4 London's economy**

Policy 4.1 Developing London's economy  
Policy 4.2 Offices  
Policy 4.8 Supporting a successful and diverse retail sector  
Policy 4.11 Encouraging a connected economy

##### **6 London's transport**

Policy 6.3 Assessing effects of development on transport capacity  
Policy 6.7 Better streets and surface transport  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.12 Road network capacity  
Policy 6.13 Parking

##### **7 London's living places and spaces**

Policy 7.1 Building London's neighbourhoods and communities  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology  
Policy 7.13 Safety, security and resilience to emergency  
Policy 7.14 Improving air quality  
Policy 7.15 Reducing noise and enhancing soundscapes

Policy 4.12 Improving opportunities for all

Policy 7.19 Biodiversity and access to nature

### **5 London's response to climate change**

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.9 Overheating and cooling

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.15 Water use and supplies

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

Policy 5.21 Contaminated land

### **8 Implementation, monitoring and review**

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

Policy 8.4 Monitoring and review for London

## **B) Islington Core Strategy 2011**

### **Spatial Strategy**

Policy CS4 (Highbury Corner and Holloway Road)

Policy CS8 (Enhancing Islington's Character)

Policy CS13 (Employment Spaces)

Policy CS14 (Retail and Services)

### **Strategic Policies**

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

Policy CS10 (Sustainable Design)

### **Infrastructure and Implementation**

Policy CS18 (Delivery and Infrastructure)

Policy CS19 (Health Impact Assessments)

Policy CS20 (Partnership Working)

## **C) Development Management Policies June 2013**

### **Design and Heritage**

**DM2.1** Design

**DM2.2** Inclusive Design

**DM2.3** Heritage

**DM2.4** Protected views

**DM2.5** Landmarks

### **Energy and Environmental Standards**

**DM7.1** Sustainable design and construction statements

**DM7.2** Energy efficiency and carbon reduction in minor schemes

**DM7.3** Decentralised energy networks

**DM7.4** Sustainable design standards

**DM7.5** Heating and cooling

### **Shops, culture and services**

**DM4.1** Maintaining and promoting small and independent shops

**DM4.3** Location and concentration of uses

**DM4.6** Local shopping Areas

### **Transport**

**DM8.1** Movement hierarchy

**DM8.2** Managing transport impacts

**DM4.8** Shopfronts

**Employment**

**DM5.1** New business floorspace

**DM5.4** Size and affordability of workspace

**Health and open space**

**DM6.1** Healthy development

**DM6.2** New and improved public open space

**DM6.5** Landscaping, trees and biodiversity

**DM6.6** Flood prevention

**DM8.3** Public transport

**DM8.4** Walking and cycling

**DM8.5** Vehicle parking

**DM8.6** Delivery and servicing for new developments

**Infrastructure**

**DM9.1** Infrastructure

**DM9.2** Planning obligations

**DM9.3** Implementation

**D) Site Allocations June 2013**

**Site HC4** 11-13 Benwell Road

**3. Designations**

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013:

- Core Strategy Key Area – Highbury Corner & Holloway Road
- St Mary Magdalene Conservation Area
- Archaeological Priority Area (Ring Cross Hamlet)
- Local, Major and Strategic Cycle Routes
- Lower Holloway Local Shopping Area
- Adjacent to TLRN
- Site Allocations HC4 (11-13 Benwell Road)

**4. Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

**Islington Local Plan**

- Environmental Design
- Conservation Area Design Guidelines
- Inclusive Landscape Design
- Planning Obligations and S106
- Urban Design Guide

**London Plan**

- Accessible London: Achieving and Inclusive Environment
- Sustainable Design & Construction
- Planning for Equality and Diversity in London